

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company
for Authorization, Among Other Things, to
Increase Rates and Charges for Electric and Gas
Service Effective on January 1, 2007.

Application No. 05-12-002
(Filed December 2, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING GRANTING PACIFIC GAS AND
ELECTRIC COMPANY'S MOTION FOR PROTECTIVE ORDER**

On December 2, 2005, Pacific Gas and Electric Company (PG&E) filed a motion for protective order to protect the confidentiality and proprietary nature of certain computer databases, models, programs, and input data sets (computer models and databases). PG&E does not seek to prevent the parties from access to the computer models and databases. Rather, PG&E makes this motion to protect public disclosure and to ensure access to the models subject to Rule 74.4 of the Commission's Rules of Practice and Procedure and subject to a negotiated confidentiality agreement.

PG&E's motion for protective order includes requested confidentiality for the computer models and databases owned by the following entities: (1) ASPECT eWorkforce Management, licensed by Aspect Communications Corporation, recently acquired by Concerto Software; (2) EvIEWS, owned by Quantitative Micro Software; (3) ACUFILE, owned by Information Intellect, Inc.; (4) Benefit Valuation Model, owned by Towers Perrin; (5) Advantica Stoner SynerGEE Gas Model, owned by Stoner Associates, Inc. (as well as related input

and output files); and (6) Hewitt Health Value Initiative owned by Hewitt Associates.

PG&E's motion for protective order also includes requested confidentiality for the following computer models and databases which PG&E has developed: (1) Centralized Electric Distribution System Application and Outage; (2) Gas Pipeline Replacement Program Database; (3) Pole Asset Management Database and Tripod Data Systems software (used in conjunction with PG&E's Pole Management Database), developed by Tripod Data Systems and maintained by PG&E at its own expense; (4) Revenue at Present Gas and Electric Rates Models; (5) Vegetation Management Database; (6) Mainframe Billing and Load Systems; (7) Revenue Allocation Spreadsheet Models; (8) Results of Operations Model and Payroll Tax Model within; and (9) PG&E-developed input and output files for the Advantica Stoner SynerGee Gas Model.

With respect to the models and databases owned by others, PG&E states that the proprietary information includes their databases, software, algorithms, and documentation (including any users' manuals, users' guides, training materials and any other materials used in conjunction with running the models or programs), and any documents prepared by PG&E that reproduce these models, databases, software, algorithms, and documentation. With respect to the models and databases that PG&E has developed internally, PG&E states that the databases, software, algorithms, and documentation are proprietary information which could be used by competitors or other utilities to harm PG&E and its customers.

PG&E states that under the protective order it seeks, PG&E would provide the parties the information and data necessary to understand and interpret the model outputs, but not the ability to perform runs of the models. Pursuant to

Rule 74.4(c) and (d), PG&E will perform or have performed runs of the models that are reasonably requested by the parties who do not have licenses for the models. PG&E's motion does not encompass Commission employees, including the Division of Ratepayer Advocates, who are bound by the provisions of Pub. Util. Code § 583 and who therefore do not need to sign a non-disclosure agreement to gain access to the protected materials. No party opposes PG&E's requested relief.

Pub. Util. Code §§ 585, 1822, and Rule 74 authorize the Commission to adopt procedural safeguards that protect computer models and databases which are proprietary. A protective order is appropriate in this case to ensure that the computer models and databases listed above, which PG&E considers confidential and proprietary, are not used by any party except for the purposes of participating in this proceeding. The protective order is also appropriate since PG&E will provide access to the computer models and databases pursuant to Rule 74.4. Because Commission staff (including the Division of Ratepayer Advocates) are bound by Pub. Util. Code § 583, staff are not included within the scope of the protective order, because they are entitled to this information subject to § 583.

Good cause having been shown, and no opposition having been submitted, **IT IS RULED** that:

1. Pacific Gas and Electric Company's (PG&E) December 2, 2005 motion for protective order is granted to the extent set forth below.
2. With respect to the computer models and databases listed in the text of this ruling, PG&E shall provide a party (and its experts, consultants, etc.) access to these models and databases once this party (and its experts, consultants, etc.) who seeks such access signs a negotiated nondisclosure agreement with terms

similar to those set forth in PG&E's motion. PG&E shall provide the parties the information and data necessary to understand and interpret the model outputs, but not the ability to perform runs of the models. Pursuant to Rule 74.4 (c) and (d), PG&E shall perform or have performed runs of the models that are reasonably requested by the parties who do not have licenses for the models.

3. The scope of this ruling does not encompass Commission employees, including the Division of Ratepayer Advocates, who are bound by the provisions of Pub. Util. Code § 583 and who therefore do not need to sign a non-disclosure agreement to gain access to the protected materials.

4. This ruling remains in effect until further order or ruling of the Commission, the Assigned Commissioner, the assigned Administrative Law Judges, or the Administrative Law Judge then designated as the Law and Motion Judge.

Dated February 3, 2006, at San Francisco, California.

/s/ JANET A. ECONOME

Janet A. Econome
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Pacific Gas and Electric Company's Motion For Protective Order on all parties of record in this proceeding or their attorneys of record.

Dated February 3, 2006, at San Francisco, California.

/s/ JOYCE TOM

Joyce Tom

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.